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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,390	08/29/2001	Richard L. Solomon	00-452	9712

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EXAMINER

KING, JUSTIN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 06/17/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,390

Applicant(s)

ASDF

Examiner

Justin I. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claims 18 and 24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 claims adjusting the position of the queue pointer between the loop start pointer and loop end pointer. The parent claim 1's last limitation provides that completing the read commands between the loop start pointer and loop end pointer before advancing to other command in the queue. Claim 1's means for scanning through loop and selecting command in the loop for processing is the queue pointer. Thus, claim 1 provides the adjusting the position of the queue pointer between the loop start pointer and loop end pointer.
3. Claim 6-8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

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claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 6's limitation does not further limit claim 5. Claim 6 claims limiting the queue pointer positions with certain boundary. Claim 5 claims moving the queue pointer within the boundary until the tasks within the boundary are completed, which is limiting the queue pointer within the boundary. Claims 7-8 are objected because they incorporate claim 6's limitation.

4. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12's limitation repeats the claim 1's 5th and 7th limitations.

5. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 19's limitation repeats the combined limitations of the claims 14 and 17.

6. Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 20's limitation is the claim 14's last limitation.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 13 and 23-25 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Limiting the queue pointer within the loop is critical or essential to the practice of the invention, but not included in the claim(s). See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The lines 26-28 of the Application page 4 provides that limiting the queue pointer within the loop is critical or essential to the practice of the invention.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 5-8 and 13-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "a queue pointer" in claim 5's line 3. There is sufficient antecedent basis for this limitation in the claim. Claims 6-8 are rejected because they incorporate claim 5's limitations.

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Claim 13 recites the limitation "a target device" in claim 13's line 10. There is sufficient antecedent basis for this limitation in the claim. Claims 14-25 are rejected because they incorporate claim 13's limitations.

Claim 15 recites the limitation "a read command" in claim 15's line 4. There is sufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1-17, 19-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Daniel Kovacs' "Tutorial on Linked Lists".

Referring to claim 1: The prior art "head-of-list alternation" discloses recognizing a delay in completion of a first read command in the queue and in response designating the first read command as a first delayed read command (Application, page 2, lines 16-19) and determining

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that the command in the queue following the delayed read command is a read command, and recognizing a delay in completion of the second read command in the queue and in response designating the second read command as a second delayed read command (Application, page 2, lines 19-20). Although the prior art discloses recognizing the second read command and does not explicitly disclose recognizing the third read command, the prior art teaches that recognizing the following read command is known in the computer art and both MPEP and the court has held that duplication of the essential working parts of a device involves only routine skill in the art (MPEP 2144 and *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8); thus, recognizing the third read command involves only routine skill in the computer art.

The prior art does not disclose the loop start pointer and loop end pointer. Kovacs discloses that the linked list/loop is known in the computer art to manage the memory/data. Kovacs discloses that each linked list/loop has a head and tail, which is the loop start pointer and loop end pointer respectively. Since the linked list is known to manage the memory/data, and the linked list's head is the first element of the list and the tail is the last element of the list, the head will direct to the first delayed read command and the tail will direct to the last delayed read command. Hence, the linked list's head is to identify the first delayed read command and the linked list's tail is to identify the second read command when the second read command is the last read command in the list. And when a new element is added at the end of the linked list (Kovacs' Adding an element to the tail of a linked list), the tail will move to the new element, which is advancing the loop end pointer to identify the third read command. Although Kovacs' linked list also involves memory allocation, Kovacs teaches that the loop mechanism is known to manage the memory/data.

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Since the prior art discloses completing the read command of the head-of-list before attempting next command, and the Kovacs teaches how to manage and expand the list, Kovacs' teaching provides loop start pointer and loop end pointer to the prior art so the prior art can complete the read commands at and between the loop start pointer and the loop end pointer until all of those read commands have been completed before attempting to complete other commands in the queue.

Hence, it would have been obvious to one having ordinary skill in the computer art at the time Applicant made the invention to adapt Kovacs to the head-of-list alteration because the Kovacs teaches the linked list/loop as a dynamic data/memory managing scheme, which enables one to increase the managing elements dynamically.

Referring to claim 2: Kovacs discloses the removing an element from the head of a linked list, which sets the next element in the list to be the head, which is advancing the loop start pointer to identify the second delayed read command after the first delayed read command has been completed.

Referring to claim 3: The prior art discloses recognizing a delay in completion of the a read command and in response designating the read command as a delayed read command and determining that the command in the queue following the read command is a read command. Kovacs discloses adding an element to the tail of a linked list, which is advancing the loop end pointer to identify the fourth read command.

Referring to claim 4: The prior art discloses that is known to recognize the completion of the read commands (Application, page 2, line 24). Kovacs discloses terminating the linked list if

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the head is also the tail, which is eliminating the loop start pointer and the loop end pointer upon recognizing the completion of all but the one read command.

Referring to claims 5-7: The prior art's means for selecting the command to be processed and Kovacs' means for scanning through linked list are the queue pointer. Since the prior art only process the commands in the head-of-list and the Kovacs teaches one on how to manage and to expand any list, Kovacs enables the prior art to adjust the position of the queue pointer to move through the commands at and between the loop start pointer and the loop end pointer until all of the commands at and between the loop start pointer and the loop end pointer have been completed.

Referring to claim 8: The prior art discloses that the command is unloaded once completed, the unloaded is the invalid marking.

Referring to claim 9: Kovacs discloses advancing the head to the same node as the tail pointed (Kovacs' Removing an Element from the head of a linked list), which is advancing the loop start pointer to identify the same command that is identified by the loop end pointer.

Referring to claim 10: Kovacs discloses terminating the linked list when the head is the tail (Kovacs' Removing an Element from the head of a linked list), which is abolishing the loop by eliminating the loop start pointer and the loop end pointer upon loop start pointer identifying the same command that is identified by the loop end pointer.

Referring to claim 11: Kovacs discloses the removing an element from the head of a linked list, which sets the next element in the list to be the head, which is advancing the loop start pointer to identify the second delayed read command after the first delayed read command has been completed.

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Referring to claim 12: The prior art discloses advancing to the next subsequent read command in the queue upon experiencing a delay in completing the read command previously identified.

Referring to claim 13: The prior art "head-of-list alternation" discloses a command queue of a command buffer in a bus interface controller for communicating commands and data, the attached bus is the data mover for transferring commands to a target device and receiving responses from the target device. The logic/algorithm of the "head-of-list" is the queue processor, which selects and processes the first read command from the buffer, and recognizing a delay in completion of a first read command in the queue and in response designating the first read command as a first delayed read command (Application, page 2, lines 16-19) and determining that the command in the queue following the delayed read command is a read command, and recognizing a delay in completion of the second read command in the queue and in response designating the second read command as a second delayed read command (Application, page 2, lines 19-20).

The prior art does not disclose the loop start pointer and loop end pointer. Kovacs discloses that the linked list/loop is known in the computer art to manage the memory/data. Kovacs discloses that each linked list/loop has a head and tail, which is the loop start pointer and loop end pointer respectively. Since the linked list is known to manage the memory/data, and the linked list's head is the first element of the list and the tail is the last element of the list, the head will direct to the first delayed read command and the tail will direct to the last delayed read command. Hence, the linked list's head is to identify the first delayed read command and the linked list's tail is to identify the second read command when the second read command is the

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last read command in the list. And when a new element is added at the end of the linked list (Kovacs' Adding an element to the tail of a linked list), the tail will move to the new element, which is advancing the loop end pointer to identify the third read command. Although Kovacs' linked list also involves memory allocation, Kovacs teaches that the loop mechanism is known to manage the memory/data.

Although the prior art discloses recognizing the second read command and does not explicitly disclose recognizing the third read command, the prior art teaches that recognizing the following read command is known in the computer art and both MPEP and the court has held that duplication of the essential working parts of a device involves only routine skill in the art (MPEP 2144 and *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8); thus, recognizing the third read command involves only routine skill in the computer art.

Hence, it would have been obvious to one having ordinary skill in the computer art at the time Applicant made the invention to adapt Kovacs to the head-of-list alteration because the Kovacs teaches the linked list/loop as a dynamic data/memory managing scheme, which enables one to increase the managing elements dynamically.

Referring to claim 14: Since the prior art discloses completing the read command of the head-of-list before attempting next command, and the Kovacs teaches how to manage and expand the list, Kovacs' teaching provides loop start pointer and loop end pointer to the prior art so the prior art can complete the read commands at and between the loop start pointer and the loop end pointer until all of those read commands have been completed before attempting to complete other commands in the queue.

Referring to claim 15: The prior art discloses recognizes responses from each target device indicating completion of a read command transferred to the target device (Application, page 2, line 24). Kovacs discloses the removing an element from the head of a linked list, which sets the next element in the list to be the head, which is advancing the loop start pointer to identify the second delayed read command after the first delayed read command has been completed.

Referring to claims 16-17: The prior art discloses that is known to recognize the completion of the read commands (Application, page 2, line 24). Kovacs discloses terminating the linked list if the head is also the tail, which is eliminating the loop start pointer and the loop end pointer upon recognizing the completion of all but the one read command.

Referring to claim 19: Since the prior art discloses completing the read command of the head-of-list before attempting next command, and the Kovacs teaches how to manage and expand the list, Kovacs' teaching provides loop start pointer and loop end pointer to the prior art so the prior art can complete the read commands at and between the loop start pointer and the loop end pointer until all of those read commands have been completed before attempting to complete other commands in the queue.

Referring to claims 20-21: Since the prior art discloses completing the read command of the head-of-list before attempting next command, and the Kovacs teaches how to manage and expand the list, Kovacs' teaching provides loop start pointer and loop end pointer to the prior art so the prior art can complete the read commands at and between the loop start pointer and the loop end pointer until all of those read commands have been completed before attempting to complete other commands in the queue. Since the pointer is limited within the loop, it overrides

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the normal positioning of the queue pointer positioning functionality of the interface controller to control the positioning of the queue pointer when the loop has been established.

Referring to claim 22: The prior art discloses that the command is unloaded once completed, the unloaded is the invalid marking.

Referring to claim 23: Kovacs discloses the removing an element from the head of a linked list, which sets the next element in the list to be the head, which is advancing the loop start pointer to identify the second delayed read command after the first delayed read command has been completed.

Referring to claim 25: Although the prior art does not disclose the fourth delayed read command, the prior art teaches that recognizing the following read command is known in the computer art and both MPEP and the court has held that duplication of the essential working parts of a device involves only routine skill in the art (MPEP 2144 and *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8); thus, recognizing the third read command involves only routine skill in the computer art.

Allowable Subject Matter

14. Claims 18 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 18: The prior arts on record do not disclose or teach that *while remaining only one delayed read command, applies another command being a command not included in the loop before the loop was abolished.*

Referring to claim 24: The prior arts on record do not disclose or teach that *advancing the loop end pointer to the next subsequent read command in the command buffer upon recognizing the first delay in completing the preceding read command.*

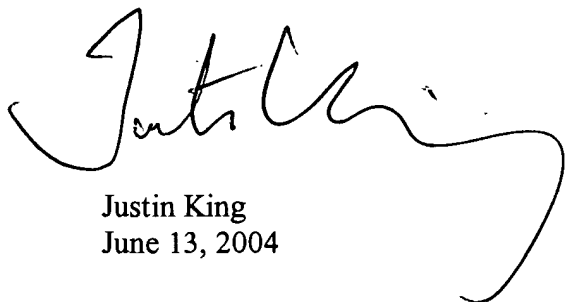
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Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin I. King whose telephone number is 703-305-4571. The examiner can normally be reached on Monday through Friday, 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-308-3110. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin King
June 13, 2004



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